

**Appl. No.: 09/675,533**  
**Amdt. dated November 21, 2003**  
**Reply to Office action of September 29, 2003**

### **REMARKS/ARGUMENTS**

Applicant received the Office Action dated September 30, 2003, in which the Examiner: (1) rejected claims 1-9 and 20-23 under 35 U.S.C. § 112, second paragraph; (2) rejected claims 1, 10, and 20 as anticipated by Hamalainen (U.S. Pat. No. 6,289,217; and (3) rejected claims 2-9, 11-19, and 21-23 as obvious over Hamalainen. Applicant amends claims 1-8, 10, and 20 and adds new claims 24-27. Based on the arguments and amendments contained herein, Applicant believes all pending claims to be in condition for allowance.

**I. Removal of extraneous language.**

Applicant amends claims 1-7 to remove references to "the step(s) of." Applicant removes this language from the claims to ensure that the claims are not interpreted under the dictates of 35 U.S.C. § 112, sixth paragraph. Applicant also removes the unnecessary references to the numerals "66" and "68" in claim 23.

**II. The § 112, second paragraph, rejections.**

The Examiner rejected claims 1 and 20 as containing limitations ("the transmission node," "the preferred power level," and "the transmission media") that fail to have sufficient antecedent basis. Applicant amends these claims to address the Examiner's concerns.

**III. The art rejections.**

The Examiner used the paragraph (reproduced below) between lines 35 and 55 of column 12 of Hamalainen to reject claim 1.

In connection with the bearer setup, the mobile station requests, according to the method illustrated in FIG. 5, a given initial power on the basis of the power by which it detects the general control channel regularly transmitted by the base station. This request is represented by block 501. In block 502, the base station permits the mobile station to start transmission 503 with a given initial power, the magnitude of which is defined by the power level requested by the mobile station, the highest allowed power level and the lowest allowed power level. Thereafter power adjusting is carried out on the basis of the power adjusting messages 504 or 505 regularly transmitted by the base station. In the power adjusting message, the base station commands the mobile station to reduce transmission power, if it has been detected that the received power in block 506 is

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higher than noise equivalent power for more than the target level, or to increase power level, if the difference of the received power and noise equivalent power is lower than the target level. The circulation in the loop formed by blocks 503, 504, 505 and 506 ends when the connection is ended (not illustrated in the drawing).

Hamalainen does not preclude the patentability of claim 1 for at least the following reason. As amended, claim 1 requires, among other limitations, "receiving the training packet at a received power level" and "determining a preferred power level for reliable communications between the transmission node and the receiving node based on a comparison of the received power level to the predetermined power level." Hamalainen does not teach or even suggest determining a preferred power level in this manner. Instead, Hamalainen discloses sending a request for a requested amount of power and awarding the requested amount of power as long as the requested power level is between highest and lowest power levels. The requested amount of power is based on the power by which a mobile station detects the general control channel regularly transmitted by the base station. Col. 12, lines 35-44. Further, Hamalainen is directed to cellular radio links, not computer networks as claimed. At least for these reasons, claim 1 and dependent claims 2-9 are allowable over Hamalainen.

Applicant amends system claim 10 to specify that, "based on a predetermined power level at which a training packet is transmitted to the receiving node, the receiver control logic determines the preferred power level for transmissions received from a transmission node in the network." Hamalainen does not teach or suggest this feature. Hamalainen teaches granting a requested amount of power if the requested amount of power is within a permissible range. At least for this reason, claim 10 and dependent claims 11-19 are allowable over Hamalainen.

Applicant amends system claim 20 to specify that, "the transmitter control logic directs the transmitter signal processing logic to send a training packet to the receiving node at a predetermined power level to enable the receiving node to specify a preferred transmission power level based on the predetermined power

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level of the training packet." Hamalainen does not teach or suggest this feature. Rather, Hamalainen teaches granting a requested amount of power if the requested amount of power is within a permissible range. At least for this reason, claim 20 and dependent claims 21-23 are allowable over Hamalainen.

New claim 24 is directed to a method that comprises, among other features, "at said receiving node, determining a minimum power level for communications between a transmission node and said receiving node based on a comparison of the received power level [of the training packet] to the predetermined power level [at which the training packet was sent]." Hamalainen does not teach or suggest this limitation and thus, claim 24 and dependent claim 25 are allowable.

New claim 26 is directed to an electronic device that comprises "control logic." Further, "based on a predetermined power level at which a training packet is transmitted to the electronic device, the control logic determines a power level for transmissions to the electronic device." Hamalainen does not teach or suggest this limitation and thus, claim 26 and dependent claim 27 are allowable.

#### **CONCLUSION**


In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-

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Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,

  
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